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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,477	07/11/2003	Steven Roy Lipscomb	320400-00004	3454

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EXAMINER

COLLINS, DOLORES R

ART UNIT PAPER NUMBER

3711

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/617,477

Applicant(s)

LIPSCOMB ET AL.

Examiner

Dolores R. Collins

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,7,9-13 and 22-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7, 9-13 & 22-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Examiner acknowledges response by applicant's representative received 10/31/05. Examiner further acknowledges the cancellation of claims 2, 4, 6, 8 & 14-21 and the addition of new claims 22-38.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Orenstein (054).

Orenstein discloses a Poker Tournament.

Regarding claim 1

Orenstein discloses a poker tournament which uses a table which teaches an opaque playing surface with one or more player stations (see fig. 1), a light source and

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window disposed adjacent the playing surface. Said light source configured to project light upward through the light window (see fig. 2).

Regarding claim 7

Orenstein discloses a poker tournament, which uses a table, which teaches an opaque playing surface with one or more player stations (see fig. 1). Poker/games tables are known to have somewhere (pads) that players can rest their arms during game play.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 9-13 & 23-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orenstein (054) as applied to claim 1 and further in view of Shaw (122).

Regarding claims 3, 5 & 9

Orenstein fails to explicitly teach a trough secured to the tabletop for carrying his light source. Shaw discloses a Compact LCD Luminaire. Shaw teaches a trough,

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attached to his tabletop, for carrying his light source, which is disposed adjacent to the outer edge (see fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Orenstein to include a trough to provide uniform lighting.

Regarding claims 10-12

Orenstein fails to explicitly teach a trough secured to the tabletop for carrying his light source that has access holes. Shaw discloses a Compact LCD Luminaire. Shaw teaches a trough, attached to his tabletop, for carrying his light source, which is disposed adjacent to the outer edge (see fig. 1). He further teaches that his trough has an access opening where the leads (19) exit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to an opening to the modified table or Orenstein to easy access to the light source.

Regarding claim 13

Orenstein fails to explicitly teach a fluorescent light source. Shaw teaches the use of a fluorescent light source. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include fluorescent lighting the modified table of Orenstein for energy efficiency.

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Regarding claims 22-23, 25 & 33-34

Examiner takes official notice that game tables are known to have rigid plates extending around them with pads covered by various choices of desired materials.

Regarding claims 24 & 35-36

Examiner takes official notice that windows made of glass; Plexiglas and various types of reflective material(s) are known in the art. The use of a milk-colored Plexiglas would be a matter of design choice and would present little or no difficulty to one of ordinary skill in the art.

Regarding claims 26-29, 31 & 37

Orenstein fails to teach a light window that extends around the entire periphery of the playing surface. Shaw teaches that his light source extends around the periphery and uses electrical leads (continuous lighting is inherent in this teaching). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include light around the periphery of the modified table of Orenstein for more uniform lighting during game play.

Shaw fails to teach that his mesa is oval shaped. It would have been obvious to one of ordinary skill in the art to make the table whatever shape desired or expedient. Such would be a design issue. Mere change in shape would present little or no difficulty to one skilled in the art.

Regarding claims 30 & 38

Orenstein teaches light windows that are discontinuous (see figure 1).

Regarding claim 32

Orenstein teaches light windows that are coplanar with the playing surface (see figure 1).

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Eugene Kim** can be reached on **(571) 272-4463**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



11/7/05



EUGENE KIM  
PRIMARY EXAMINER